

ARIZONA RACING COMMISSION

614TH REGULAR MEETING

FRIDAY, JUNE 22, 2012

MINUTES OF REGULAR MEETING

A public meeting of the Arizona Racing Commission was convened on Friday, June 22, 2012, beginning at 10:00 a.m. in the Building Conference Room, Suite 250, at 1110 West Washington Street, Phoenix, Arizona 85007.

Present:	Chair	A. Melvin McDonald
	Vice-Chair	Burton S. Kruglick
	Commissioner	Jay McClintock
	Commissioner	Erin Owens
	Commissioner	Rory S. Goreé

Also present: William J. Walsh, Director, Mary D. Williams, Assistant Attorney General, Christopher Munns, Solicitor General and Cassie Goodwin, Commission Secretary.

A. Call to Order

Chair McDonald called the 614th Regular Meeting of the Arizona Racing Commission to order at 10:00 a.m. The following matters were discussed, considered and decided at the meeting:

Approval of the Minutes:

1. Minutes of the 613th Regular Meeting held on Wednesday, April 11, 2012 – **Commissioner Kruglick** moved to approve the minutes. **Commissioner Owens** seconded the motion. Motion Carried.
2. Minutes of the Special Telephonic Meeting held on Thursday, April 26, 2012 – **Commissioner Owens** moved to approve the minutes. **Commissioner Kruglick** seconded the motion. Motion Carried.

B. New Business

1. **Appeal of Director's Order – Appellant James F. Morgan, Case No. 12A-007-DOR – Chair McDonald** reviewed the hearing format with those present and read into the record the statement the Appellant faxed to the Department. The Appellant requested to appear telephonically; however, a 48-hour notification was not provided to activate the conference room phone. **Appellant** stated that the appeal was based on the fact that he did not act upon the threat Against Mr. Taylor, but left the grounds. **Assistant Attorney General Williams** responded, stating that she reviewed Mr. Morgan's appeal and believes this is not the time to bring in any new testimony. He did not raise this issue at the hearing before the Director, it is too late to provide additional testimony and the Commission should not allow him to bring new testimony at this time. From his appeal, it appears that he is only challenging the Director's increase of the fine from \$200 to \$500 on the portion of the case that dealt with the threat against Mr. Taylor. He doesn't seem to be challenging anything else. Her position is that increasing the fine is completely within the discretion of the Director as allowed by statute. Mr. Morgan was afforded a hearing on both counts against him, which he did request, and the State put on evidence that Mr. Morgan did make threats against Mr. Taylor. The Director felt that a \$500 fine was appropriate. Assistant Attorney General Williams said she felt the penalty was appropriate for the offense and not excessive. Whether or not he is allowed to make payments on the fine is not a legal issue, but one of a policy decision left up to the Director. Assistant Attorney General Williams asked that the Commission dismiss the appeal and let the Director's Decision stand. **Chair McDonald** asked about Mr. Morgan's income situation. **Assistant Attorney General Williams** stated she did not know his income situation. **Commissioner Kruglick** asked if the Appellant was required to appear in person. **Assistant Attorney General Christopher Munns** advised that it is the Commissions discretion to allow an individual to appear telephonically. However, his request was made too late to allow him to do so. **Chair McDonald** stated it is okay to waive the right to attend in person and submittal of a statement in writing to be read into the record is agreeable. He reviewed the record and believes the Appellant's position was stated clearly in the documents. **Chair McDonald** explained the Commission's options. **Commissioner McClintock** moved to dismiss the appeal and affirm the Director's Order. **Commissioner Kruglick** seconded the motion. **Chair McDonald** called for a vote on Commissioner McClintock's motion. **They voted all in favor. The Director's Order is affirmed.**

ARIZONA RACING COMMISSION

614TH REGULAR MEETING

FRIDAY, JUNE 22, 2012

2. **Proposed Amendments to Arizona Administrative Code R19-2-202 – Licensing Fees**

Director Walsh reminded the Commission that in the spring of 2011 the Legislature passed and the Governor signed into law a bill meant to take the Department of Racing off of the General Fund by the end of Fiscal Year 2012, which is just ending. In November, at Director Powell's last meeting, the Commission approved a change in Article 2 of the rules to increase the Racing and Wagering Assessment from .375 (three eighths of one percent) of the handle to one percent. The primary factor behind this change was the loss of over \$1 million in General Fund appropriations for FY 2013. Along the way there have been a number of complaints of the licensing fees that are very high and we promised beginning a year ago that we would review every aspect of our income in the budget and try to make sure that we treated everybody as fairly as we could. Over the course of several months we have determined the new licensing fees that are before you today. These new fees should bring them into closer alignment with industry standards and without having a negative impact on the Department budget. The proposed fee schedule, which has across-the-board reductions in almost all areas, has been developed for the Commission's consideration. If approved by the Commission, the lower fees will take effect on July 1, 2012. **Commissioner Owens** moved to approve the proposed changes in the license fees in A.A.C. R19-2-202. **Commissioner McClintock** seconded the motion. Motion Carried.

3. **Rillito Park – Request to Amend FY 2013 County Fair & Commercial Race Dates**

a. **County Fair**

Current approved Dates: January 26, 27 & February 2, 3, 2013

Requested amendment: Add January 19, 20, 2013 and Delete February 2, 3, 2013

b. **Commercial**

Current approved dates: February 9, 10, 16, 17, 23, 24, 2013

March 2, 3, 9, 10, 16, 17, 23, 24, 2013

Requested amendment: Delete March 23, 24, 2013

No racing will be offered on February 2, 3, 2013 (Super Bowl)

Director Walsh asked that Assistant Director Joyce Cozby inform the Commission on this matter. **Assistant Director Joyce Cozby** stated that Rillito Park has asked to amend both their commercial and county fair days. These changes are to work around the Super Bowl weekend. They have asked to change the county fair dates and reduce the commercial dates by two days, as they did last year, from 12 live days to 14 live days.

Commissioner Kruglick asked if there is the same number of days in 2013 as there were in 2012. **Assistant Director Cozby** advised the approved dates for county fair are reduced to 12 from 14 days. **Commissioner Kruglick** moved to approve Rillito Park's request to add January 19, 20, 2013 and delete February 2, 3, 2013 for the County Fair Race dates. **Commissioner Owens** seconded the motion. Motion Carried.

Commissioner McClintock moved to approve Rillito Park's request to delete March 23, 24, 2013 for the Commercial race dates. **Commissioner Owens** seconded the motion. Motion Carried.

4. **Request for approval of race dates for TP Racing L.L.L.P. (Turf Paradise) and consideration of approval of a temporary permit pending completion of the permit application review.**

Director Walsh stated the Turf Paradise expired May 31, 2012. Turf Paradise did submit, in a timely fashion, a Permit application to run for another three years. That application is now being reviewed and, as of about two weeks ago, is complete. It is going to take a couple of months to conduct the background check. The Department has hired Veriti to assist the Department in that regard, but it will take some time. For now, the Department is asking that the Commission approve Turf Paradise's racing dates and a temporary permit. Approval of the dates will allow the participants in the racing industry to have advance knowledge of when the races are going to occur over the next couple of years. Again, the Permit would only be temporary until such time when we bring the final application and permit request to you. We were hoping to have it done by September but there are some issues that may delay that. **Chair McDonald** asked if the Commission needs to put an "end date" on the approval of the temporary permit, pending completion of the application.

Assistant Attorney General Williams stated that the temporary permit will automatically expire when and if the application is approved. **Commissioner Owens** indicated a desire that the Department continue to work with Turf and the HBPA to resolve any issues remaining from the past season. **Director Walsh** advised he is aware of some of the issues and will continue working on them. **Commissioner McDonald** moved to approve the request for live race dates and TP Racing's temporary permit pending completion of

ARIZONA RACING COMMISSION

614TH REGULAR MEETING

FRIDAY, JUNE 22, 2012

the permit application review as submitted in Exhibit 2 of the packet information. **Commissioner Kruglick** seconded the motion. Motion Carried.

5. Annual approval of Track Stewards

Director Walsh stated the Commission is annually required to approve the stewards at the various tracks throughout the state. He distributed a list of the current stewards and would recommend the Commission's approval. There has been a very big turnover in Stewards this year, mostly at the horse tracks. **Chair McDonald** stated the stewards keep things flowing and they appreciate the outstanding work they do.

Commissioner Owens moved approve: David Smith – Department Chief Horse Steward, Rene Riera, Jr. – Department Associate State Horse Steward, Gary Baze – Department Horse Steward, Magdalena Perez – County Fair Steward, Carlos Partida – Department Greyhound Steward, William Roemer – Department Greyhound Steward, and Jorge Estrada – Turf Paradise Steward. **Commissioner Goreé** seconded the motion. Motion Carried.

C. Information Reports

1. Department Monthly Update

a. Final Legislative Update

i. Explanation of Departmental Budget for Fiscal Year 2013

ii. SB 1273 Dog Track Live Racing Exception

Director Walsh stated the legislature approved the Department's budget for the upcoming year and gave a slight increase to cover the increases expected for the day-to-day operations, testing, and employee related expenses. The Department expects to receive enough revenue in the Regulation Fund to cover the \$2.8 million appropriation from the Fund. The Department has also received two General Fund appropriations for specific purposes. In the past, the Department has transferred \$1.8 million for county fairs livestock and agricultural promotion to a fund administered by the Governor's Office and will do so again in FY 2013. The Department also has a \$250,000 General Fund appropriation intended solely for Arizona breeders' awards. Those monies will be distributed quarterly throughout FY 2013.

The legislature also extended the rulemaking exemption for rules associated with the Racing Regulation Fund for one more year. This will allow the Department to get a good handle on how things are going and give it additional time to adjust it upward or downward. The Department needs that flexibility of the exemption that allows for adjustments to do them quickly as opposed to going into the rule making process which could take months.

SB1273 bill was introduced by Tucson Greyhound Park. It reduces the minimum number of live race days per week from 4 days for 50 weeks to 100 days during a calendar year, in order for the track to receive simulcasts at its facility and off-track locations. It allows a further reduction of live greyhound racing if a permittee and a majority of licensed kennel owners agree through a written contract entered into by February 1 of each year. It also exempts a greyhound track from the one-to-one live-to-dark day simulcast requirement at its off-track facilities.

This bill contained an emergency clause and became effective immediately upon signing by the Governor.

b. Notice of Closure of Off Track Betting Facility

i. Horse and Hound Off Broadway, 1320 E Broadway, Tempe, Arizona

ii. Dirty Drummer, 3002 N Arizona Ave., Chandler, Arizona

iii. The Gym Grill & Bar, 3002 N Arizona Highway, Queen Creek, Arizona

Director Walsh stated there have recently been three different closings of Off Track Betting facilities. Turf Paradise and Tucson Greyhound Park will work on finding new facilities.

ARIZONA RACING COMMISSION

614TH REGULAR MEETING

FRIDAY, JUNE 22, 2012

c. TP Racing L.L.L.P. (Turf Paradise) Dark Days – approved by Director

Director Walsh stated this is tied into SB1273 which was amended by Turf Paradise in April. The amendment allows Turf Paradise to conduct more simulcast days at its facility and off-track locations than it runs live if there are at least 145 live racing dates from October 1 through the first week in May. Turf may conduct a maximum of 151 days of dark day simulcasts. They cannot deduct advertising costs from the simulcast wagering receipts in June, July and August before it adds to the purse account. This provision is effective through September 30, 2013. If Yavapai receives a permit to resume live racing and simulcast wagering, Turf Paradise must surrender its permit authorizing simulcasts from June 1 through August 30.

2. Permittee Reports:

Chair McDonald reiterated his request to receive a written summary of the Permittees' issues to be addressed at the Commission meeting ahead of time so the report can be more meaningful, a record of the concerns will be made and the information may be discussed at the meeting.

a. American Greyhound Racing; Dan Luciano, President – Nothing to report.

b. County Fairs: No report.

c. Rillito: Patti Shirley, Vice President – Nothing to report.

d. Tucson Greyhound Park: Tom Taylor, CEO/General Manager – Nothing to report.

e. Turf Paradise: Vincent Francia, General Manager – Mr. Francia apologized for not having his written report into the Commission. He will do so in the future as he knows some of the data is significant. He provided a letter to the Commissioners and Director Walsh regarding the issues on the back-side Commissioner Owens referred to earlier in the meeting. There are no problems. Turf is getting ready for the next meet and the teams are looking at and making renovations and repairs, focused on the backstretch. They are continuing to work well with Mr. Metzen and President Gary Miller of the HBP. They are very happy with the Stewards. This past year Turf paid out \$11.9 million in purses as compared to \$10.9 the previous year. Arizona bred races were 110 this year and 79 last year. The average daily purse this year was \$78,000 compared to \$70,000 last year. The OTB system was up about three percent, on track held steady, attendance was up four percent, and this was coming after a six percent increase last year. One area they suffered was the out of state handle and the other was they dropped below an average of eight horses per race which is catastrophic when it comes to the handle.

4. Optional Industry Stakeholder Association

Chair McDonald made the same request for a written summary to be submitted prior to the meeting for the Industry Stakeholder Associations.

a. Arizona Greyhound Association – No report given.

b. Arizona Quarter Racing Association: Loretta Brasher, Executive Director – There is no quarter horse racing in the state of Arizona right now but they are taking entries for the derbies and (Sounds like futuries). There are many nominations so far and they are looking forward to Turf re-opening. With respect to the county fairs, they are very happy with Sonoita. Sonoita continues to offer racing and they are working with the U of A. You will see some great things from them next year.

c. Arizona Thoroughbred Breeders Association: Yvonne Kunz, Executive Director – She has resigned her position as the Executive Director and introduced her replacement, Dove Ward. Ms. Kunz will be in the office for a few weeks, maybe a few months. Ms. Ward will be the main contact from now on and she will be her back-up. She is thankful for the Commission's support over the years and asks that the same support be given to Ms. Ward. **Commissioner Owens** thanked Ms. Kunz for always attending the meetings and providing information to the Commission. She wishes her the best. **Ms. Kunz** thanked the Commission for the breeders' awards. **Commissioner Kruglick** commended Ms. Kunz for an excellent job and directed the

ARIZONA RACING COMMISSION

614TH REGULAR MEETING

FRIDAY, JUNE 22, 2012

Department to issue a letter for her service. **Director Walsh** said the Department will be happy to send her a letter and thanked her for her 18-plus years of service to Arizona racing.

d. Horsemen's Benevolent & Protective Association: Gary Miller, President – Mr. Miller asked the Department to find any other way to make-up the shortage in the budget other than increasing the fees on the RWA. He's worried another consortium will pull out which will hurt them more. **Commissioner Owens** asked if the Department has looked at any other options. **Director Walsh** advised there really are no other options. The Legislature set the Department's budget and the Department has to find the funds to meet that budget. Unfortunately RWA is where the money is. He promised that the Department will watch the income as it goes along, that's why he wanted the exemption for another year, so that if it's determined the Department is taking too much money, the reduction can be made to lower the percentage. We will watch it very closely and, if we can, we will reduce it. We have that flexibility. **Mr. Miller** asked if there was any flexibility to ask for a one-year extension on the fund from the General Fund, to build it into year three or four. **Director Walsh** advised that, at this stage, it is not possible.

e. Jockey's Guild – No report given.

D. Commission Reports:

Director Walsh reported on the recent RCI telephone conference relating to two issues. First was a trainer in New York who was suspended by the New York Racing and Wagering Board. The New York Board used a different way to deal with the trainer by using the veterinarian records to show whether or not medications had been given within a timeframe that the Board outlawed. It's an innovative way of dealing with medication issues as you would need to set specific rules on the timeframes in which medications can be administered. The Department doesn't have a problem with the process per se but it would be very difficult and expensive to implement. The second issue is relating to the Kentucky Commission which has recently tried to limit the use of Lasix in the race horses. Kentucky is implementing this in a phased-in period, starting in 2015. They wanted to discuss that because it has to do with two-year olds racing in graded stake races and that may be not running them in graded stake races after that. They would be jumping from using Lasix to not using Lasix and that is a discussion that's going to be ongoing.

Director Walsh touched on a letter Senator Udall of New Mexico, Representatives Ed Whitfield of Kentucky and Joe Pitts of Pennsylvania sent to the Oklahoma Horse Racing Commission regarding legislation in the area of medications in race horses. They sent out a questionnaire to virtually every racing commission throughout the country. He has drafted a reply and is waiting for comments from Mr. Martin at which time he will finalize it and then pass it on to the Commission. There are six questions asking how the Department deals with violated rules.

Future Agenda Items:

1. Informational Report on what the Department is doing about the medication issues affecting race horses
2. Informational Report on the status of Yavapai Downs County Fair Association purchase
3. Informational Report to follow-up on the RCI medication issues

The next regular Commission meeting will be held **Wednesday, September 12, 2012, at 10:00 a.m.** in Building Conference Room Suite 250, at 1110 West Washington Street, Phoenix, Arizona 85007.

Call to the Public:

Dennis O'Connell, Director of the Arizona State Boxing and Mixed Martial Arts Commission introduced himself to the Commission.

Michael Sorum, DVM addressed the Commission regarding horse medications.

Loretta Brasher addressed to Commission seeking information on the race horse medication issues and Yavapai status.

Patti Shirley addressed the Commission on the Equine Encore Foundation fundraising.

Gary Miller addressed the Commission on Yavapai Downs County Fair Association.

ARIZONA RACING COMMISSION

614TH REGULAR MEETING

FRIDAY, JUNE 22, 2012

Adjournment:

Chair McDonald called for a Motion to Adjourn. **Commissioner Kruglick** moved to adjourn the meeting.

Commissioner McClintock seconded the motion. Motion Carried.

This public meeting adjourned at 10:58 AM.

Dated this 12th day of September, 2012

Arizona Racing Commission

By



Cassie Goodwin, Commission Secretary

TP Racing L.L.L.P.
Plan of Operation

RECEIVED BY
Exhibit 2
ARIZONA

APR 25 2012

DEPARTMENT

Racing Operations Exhibit 2

Anticipated race dates are as follows:

A. 2012-2013— Beginning June 1, 2012 and extending through May 31, 2013.

Live Racing

October: 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

November: 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30

December: 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 27, 28, 29, 30, 31

January: 1, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29,

February: 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26,

March: 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30

April: 1, 2, 3, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

May: 3, 4, 5, 6, 7

Total Live Days: 156

Dark Days

June: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

July: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31

August: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31

September: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

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TP Racing L.L.L.P.
Plan of Operation

Exhibit 2

October: 1, 2, 3, 4, 10, 11, 17, 18, 24, 25, 31

November: 1, 7, 8, 14, 15, 21, 22, 28, 29

December: 5, 6, 12, 13, 20

January: 2, 3, 6, 10, 13, 17, 20, 24, 30, 31

February: 3, 7, 13, 14, 20, 21, 27, 28

March: 6, 7, 13, 14, 20, 21, 27, 28, 31

April: 4, 10, 11, 17, 18, 24, 25

May: 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31

Total Dark Days: 207

Total Wagering Days in 2012-2013: 363

**B. 2013-2014— Beginning June 1, 2013 and extending through
May 31, 2014.**

Live Racing

October: 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29

November: 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30

December: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 27, 28, 29, 30, 31

January: 3, 4, 6, 7, 8, 10, 11, 13, 14, 15, 17, 18, 20, 21, 22, 24, 25, 26, 27, 28, 31

February: 1, 3, 4, 5, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28

March: 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31

April: 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29

May: 2, 3, 4, 5, 6

Total Live Days: 156

Dark Days

June: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
28, 29, 30

July: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
28, 29, 30, 31

August: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
27, 28, 29, 30, 31

September: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,
26, 27, 28, 29, 30

October: 1, 2, 3, 9, 10, 16, 17, 23, 24, 30, 31

**TP Racing L.L.L.P.
Plan of Operation**

Exhibit 2

November: 6, 7, 13, 14, 20, 21, 27, 28

December: 4, 5, 11, 12, 19, 26

January: 1, 2, 5, 9, 12, 16, 19, 23, 29, 30

February: 2, 6, 12, 13, 19, 20, 26, 27

March: 5, 6, 12, 13, 19, 20, 26, 27

April: 2, 3, 9, 10, 16, 17, 20, 24, 30

May: 1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31

Total Dark Days: 207

Total Wagering Days in 2013-2014: 363

**C. 2014-2015– Beginning June 1, 2014 and extending through
May 31, 2015.**

Live Racing

October: 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31

November: 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30

December: 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

January: 2, 3, 5, 6, 7, 9, 10, 12, 13, 14, 16, 17, 19, 20, 21, 23, 24, 25, 26, 27, 30, 31

February: 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28

March: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31

April: 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28

May: 1, 2, 3, 4, 5

Total Live Days:

156

Dark Days

June: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
28, 29, 30

July: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
28, 29, 30, 31

August: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
27, 28, 29, 30, 31

September: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,
26, 27, 28, 29, 30

October: 1, 2, 8, 9, 15, 16, 22, 23, 29, 30

**TP Racing L.L.P.
Plan of Operation**

Exhibit 2

November: 5, 6, 12, 13, 19, 20, 26, 27

December: 3, 4, 10, 11, 18, 31

January: 1, 4, 8, 11, 15, 18, 22, 28, 29

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March: 4, 5, 11, 12, 18, 19, 25, 26

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Total Dark Days: 207

Total Wagering Days in 2014-2015 363